

### REMARKS

Claims 1-5, 21, 22, and 25-32 are pending in this application.

The Examiner rejected claims 1-5, 21, 22, and 25-32 under 35 U.S.C. § 112, ¶ 1, for failure to satisfy the enablement requirement. The application as originally filed provides general guidance regarding how to make single layer compositions covered by these claims. (*See, e.g.*, p. 8, line 30-p. 9, line 4). The application as originally filed also incorporates by reference Wilson, U.S. Pat. No. 5,211,984 ("Wilson"). (*See id.*, p. 10, lines 29-31). Wilson buttresses the relevant disclosure explicitly provided by the application as originally filed. For example, Wilson discloses a method of making a single layer catalyst composition that includes: forming an ink of uniformly dispersed catalyst supported by a material and a polymeric material; applying the ink to a release blank to form a film; drying the blank coated with the ink film; hot pressing the coated blank to a polymer electrolyte membrane ("PEM") with the dried ink film facing the membrane; removing the blank; and leaving the film that is a single layer adhered to the PEM. (*See, e.g.*, Wilson col. 4, line 49 through col. 9, line 41.) Applicants therefore request reconsideration and withdrawal of this rejection.<sup>1</sup>

The Examiner rejected claims 1-5, 21, 22, and 25-32 under 35 U.S.C. § 112, ¶ 2 as being indefinite because, in the Examiner's view, the term "single layer" is a relative term and not defined by the claim. However, after reading the application as originally filed, one skilled in the art would understand what is meant by the term "single layer" as it appears in these claims. The application clearly shows a single layer. (*See, e.g.*, FIG. 3, layer 150.) Wilson also clearly describes a single layer. (*See, e.g.*, Wilson col. 3, lines 55-65 and Figs. 1 and 1A.) Thus, Applicants request reconsideration and withdrawal of this rejection.

The Examiner rejected claims 1-5, 21, 22, and 25-32 under 35 U.S.C. § 102(b) as being anticipated by Breault, U.S. Patent No. 4,017,663 ("Breault"). But, Breault does not disclose a single layer composition that includes a catalyst and a copolymer of tetrafluoroethylene and

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<sup>1</sup> The Examiner's reference to "mechanical bonding" appears improper. The specification does not disclose that "mechanical bonding" is essential. Nor do the claims recite "mechanical bonding." As noted, processes for making the single layer compositions covered by the pending claims are provided.

hexafluoropropylene, as required by these claims. Instead, Breault discloses a process in which a coated carbon paper is impregnated with a perfluorinated ethylene propylene copolymer followed by sintering, and a catalyst-polymer layer is then applied to the impregnated carbon paper. (See, e.g., Breault col. 2, line 54 through col. 3, line 9.) Thus, Breault discloses an electrode in which one layer includes his copolymer and a different layer includes his catalyst. Accordingly, Applicants request reconsideration and withdrawal of the rejection. Applicants therefore request reconsideration and withdrawal of the rejection of these claims.

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Respectfully submitted,

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